

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

RANDALL SUTTON, SHARON

NEKOL PROVINCE, JAMES

DOUGLAS CASSITY, BRENT

DOUGLAS CASSITY, HOWARD A.

WITTNER, and DAVID R. WULF,

Defendant(s).

Case No. 4:09CR509 JCH

ORDER

This matter is before the Court on Defendants Randall Sutton, Howard Wittner, and Brent Cassity's Joint Motion to Dismiss Count 50 of the Second Superseding Indictment (ECF Nos. 260, 272), and Combined Defendants' Motion to Dismiss Second Superseding Indictment (ECF Nos. 264, 270). Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Thomas C. Mummert, III, who filed a Report and Recommendation on January 17, 2012. (ECF No. 333). Magistrate Judge Mummert recommended that the Court deny Defendants' motions. Defendants submitted objections to Magistrate Judge Mummert's recommendation on April 5, 2012. (ECF No. 352).

After de novo review of the entire record in this matter, the Court adopts the Magistrate Judge's recommendation that Defendants' motions be denied.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge (ECF No. 333) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendants Randall Sutton, Howard Wittner, and Brent Cassity's Joint Motion to Dismiss Count 50 of the Second Superseding Indictment (ECF Nos. 260, 272) is **DENIED**.

IT IS FURTHER ORDERED that Combined Defendants' Motion to Dismiss Second Superseding Indictment (ECF Nos. 264, 270) is **DENIED**.

Dated this 24th day of May, 2012.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE